

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: ROBERT G. DUNN, Chairperson
Waste Management Board

DATE: 9-17-85

ATTN: ALAN C. WILLIAMS
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Amendments to Existing Minnesota Rules Parts 9200.9500-.9508, Hazardous Waste Reduction Grants Rules

The above-referenced rule has been approved as to its legality by the Attorney General on September 17, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJC:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

ST. PAUL 55155

ADDRESS REPLY TO:
ATTORNEY GENERAL'S OFFICE
POLLUTION CONTROL DIVISION
1935 WEST COUNTY ROAD B-2
ROSEVILLE, MN 55113
TELEPHONE: (612) 296-7342

August 28, 1985

RECEIVED
SEP 3 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Mr. Mike Miles
Assistant Attorney General
Office of the Attorney General
Administration Building
St. Paul, Minnesota 55155

Re: Proposed Amendments To Existing Rules Parts 9200.9500 to .9508, Hazardous Waste Reduction Grant Rules

Dear Mr. Miles:

On August 22, 1985, the Waste Management Board adopted amendments to existing Hazardous Waste Reduction Grant Rules, Parts 9200.9500 to .9508. Enclosed for your review under Minnesota Statutes § 14.26 (1984) are the following documents:

1. Solicitation of Outside Opinion Concerning Amendment of Rules;
2. Waste Management Board Resolution WMB-020-85, authorizing publication and mailing of notice;
3. Certificate of Board Resolution;
4. Order for Publication of Notice;
5. Notice of Intent to Adopt Rules;
6. Amended Rules as Proposed and Published in State Register;
7. Affidavit of Mailing;
8. Certificate of Current Mailing List;
9. Statement of Need and Reasonableness;
10. No public comments were received;
11. Findings of Fact and Conclusions;
12. Waste Management Board Resolution WMB-032-85, adopting the rule amendments;
13. Certificate of Board Resolution;

14. Order Adopting Rules (two copies);

15. Rules as adopted (four copies);

16. Affidavit Regarding Notification of Submission to Attorney General; and

17. Certificate of Compliance with Rulemaking Procedures.

Very truly yours,

Alan C Williams

ALAN C. WILLIAMS
Special Assistant
Attorney General

ACW:jh
Enclosures

Our File No. 1141

05-0009-0841

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-3
DATE FOR REVIEW 9-12
DATE DUE 9-17

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 9-17-85 MJC Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 9-17-85 Revisor approved 9/3/85 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 8.22.85 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 6.10.85

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
? Sufficiency the agency has confirmed that rules as proposed were not sent out with Notice. Notice fails to comply with 14.22 - no announcement re availability of free copy of proposed Rule

✓ Affidavit of Mailing Notice or rulemaking
7.15.85 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
7.15.85 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

_____ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness includes statement of no direct effect on Sm. Biz.

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

N/A Notice of Submission to the Attorney General

AG copy

Waste Management Board

Adopted Rules Governing Hazardous Waste Reduction Grants

Rules as Adopted

9200.9501 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 1a. **Abatement.** "Abatement" means the inclusion or substitution of a new element in the existing industrial process in order to eliminate or reduce the quantity of waste produced.

Subp. 2. and 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. to 8. [Unchanged.]

Subp. 8a. **Minimization.** "Minimization" means a decrease in the quantity of waste through good housekeeping practices or by the application of concentration technology.

Subp. 9. and 10. [Unchanged.]

Subp. 10a. **Recycling.** "Recycling" means the reclamation by the generator of usable components from waste streams.

Subp. 11. **Reduction.** "Reduction" means action by a generator that:

A. decreases the total quantity of hazardous waste generated by the generator through abatement, minimization, reuse, or recycling; or

B. [Unchanged.]

Subp. 12. **Reuse.** "Reuse" means the reutilization of a waste by the generator either as generated or with very minor modification prior to the reutilization.

9200.9502 ELIGIBILITY CRITERIA.

Subpart 1. [Unchanged.]

Subp. 2. **Eligible projects.** Projects designed to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste are eligible to receive a hazardous waste reduction grant. Eligible projects include projects to study the specific application of a

method or technology already developed and projects to analyze a method or technology for which additional research is necessary to establish the feasibility of the method or technology.

Application or research projects currently under development by the applicant and new projects are eligible.

Subp. 3. and 4. [Unchanged.]

9200.9503 GRANT APPLICATION.

An applicant shall submit an application in the form specified by the board. An application must include the following information:

A. [Unchanged.]

B. A statement outlining the method or technology that will be studied by the applicant and the waste reduction that may result from application of the method or technology. This statement must include a discussion of the following items:

(1) a description of the method or technology to be studied;

(2) whether the study involves the application of an existing method or technology, or original or continuing research on a method or technology for which additional research is necessary to determine the feasibility of the method or technology;

(3) a description of the hazardous waste affected by the proposed project that is generated by the applicant, including the quantity generated in the previous calendar year;

(4) an estimate of the decrease in the quantity of hazardous waste generated and any decrease in risk that results from the application of the method or technology to be studied;

(5) the current method used to manage the hazardous waste generated by the applicant, and any anticipated change in management occurring after the reduction; and

(6) estimated increased or decreased annual operating and maintenance costs that will be realized if the proposed method or technology is implemented.

C. A statement of financial feasibility for the

project must be included with the application, and must include a discussion of the following items:

(1) the amount of grant funds requested; and

(2) an estimate of the total amount of funds needed to complete the study. This section should include a discussion of any financial support that might be available to the applicant from other sources, including both external and internal sources.

9200.9504 APPLICATION PROCESS.

Subpart 1. [See Repealer.]

Subp. 2. **Applications.** The board may solicit applications for grants and may establish a deadline for applications by notification in the State Register.

9200.9506 EVALUATION OF PROPOSALS.

Subpart 1. **Evaluation schedule.** Within 45 days of the completion of the eligibility and documentation review, the board shall evaluate eligible proposals and set a deadline for action.

Subp. 2. **Evaluation factors.** In evaluating each proposal the board shall consider the following factors:

A. [Unchanged.]

B. The significance of the proposed waste reduction measured by:

(1) the decrease in total hazardous waste generated in Minnesota as a result of the waste reduction and the potential future decrease as a result of application of the waste reduction method by other generators; and

(2) [Unchanged.]

C. [Unchanged.]

D. Other factors including:

(1) to (4) [Unchanged.]

9200.9508 GRANT AGREEMENT.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Termination.** The board may terminate a grant upon 30 days' notice if it determines that the project is not

feasible. A request for termination may be initiated by either the board or a grant recipient. If the board gives notice to terminate a grant, the board may also require that no additional grant funds be spent by the applicant effective as of the date of the termination notice.

Subp. 4. to 6. [Unchanged.]

REPEALER. Minnesota Rules, parts 9200.9501, subpart 4; and 9200.9504, subpart 1 are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 17 1985
Joan Anderson Growe
Secretary of State

1:45 p.m.

APPROVED AS TO FORM AND LEGALITY
September 17 19 85
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Carsely
SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Proposed

9200.9501 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 1a. **Abatement.** "Abatement" means the inclusion or substitution of a new element in the existing industrial process in order to eliminate or reduce the quantity of waste produced.

Subp. 2. and 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. to 8. [Unchanged.]

Subp. 8a. **Minimization.** "Minimization" means a decrease in the quantity of waste through good housekeeping practices or by the application of concentration technology.

Subp. 9. and 10. [Unchanged.]

Subp. 10a. **Recycling.** "Recycling" means the reclamation by the generator of usable components from waste streams.

Subp. 11. **Reduction.** "Reduction" means action by a generator that:

A. decreases the total quantity of hazardous waste generated by the generator through abatement, minimization, reuse, or recycling; or

B. [Unchanged.]

Subp. 12. **Reuse.** "Reuse" means the reutilization of a waste by the generator either as generated or with very minor modification prior to the reutilization.

9200.9502 ELIGIBILITY CRITERIA.

Subpart 1. [Unchanged.]

Subp. 2. **Eligible projects.** ~~Only~~ Projects designed to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste are eligible to receive a hazardous waste reduction grant. Eligible projects include projects to study the specific application of a method or technology already developed and projects to analyze a method or technology for which additional research is necessary to establish the feasibility of the method or technology ~~are eligible. Examples of possible methods and technologies which~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

~~may-be-studied-include-process-modification-and-material substitution.~~

Application or research projects currently under development by the applicant and new projects are eligible.

Subp. 3. and 4. [Unchanged.]

9200.9503 GRANT APPLICATION.

An applicant shall submit an application in the form specified by the board. An application must include the following information:

A. [Unchanged.]

B. A statement outlining the method or technology that will be studied by the applicant and the waste reduction that may result from application of the method or technology. This statement must include a discussion of the following items:

(1) a description of the method or technology to be studied;

(2) whether the study involves the application of an existing method or technology, or original or continuing research on a method or technology for which additional research is necessary to determine the feasibility of the method or technology;

(3) ~~the-applicability-of-the-method-or-technology to-generators-of-similar-wastes;~~

~~(4)~~ a description of the hazardous waste affected by the proposed project that is generated by the applicant, including the quantity generated in the previous calendar year ~~1983-and-the-quantities-generated-during-each-of-the-calendar years-from-1980-through-1982,-if-available-and-applicable;~~

~~(5)~~ (4) an estimate of the decrease in the quantity of hazardous waste generated and any decrease in risk that results from the application of the method or technology to be studied;

~~(6)-a-projection-of-the-quantity-of-hazardous waste-generated-in-calendar-years-1984-through-2000-with-and without-the-application-of-the-method-or-technology-being studied;~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

~~(7) the importance to the applicant of achieving the estimated reduction, such as a discussion of liability, treatment, management, disposal, and transportation costs;~~

~~(8) the relationship of the hazardous waste reduction estimated by the applicant to the hazardous waste reduction goals of the Waste Management Board as stated in the board's Hazardous Waste Management Report of December 1983 and the Draft Certificate of Need of February 1984, particularly the goal of minimizing the quantity of hazardous wastes that are difficult to manage or can be managed only through final disposal;~~

~~(9)~~ (5) the current method used to manage the hazardous waste generated by the applicant, and any anticipated change in management occurring after the reduction; and

~~(10)~~ (6) estimated increased or decreased annual operating and maintenance costs that will be realized if the proposed method or technology is implemented.

C. A statement of financial feasibility for the project must be included with the application, and must include a discussion of the following items:

(1) ~~A statement explaining the need for the grant amount requested.~~

~~(2)~~ the amount of grant funds requested~~.~~; and

~~(3)~~ (2) an estimate of the total amount of funds needed to complete the study. This section should include a discussion of any financial support that might be available to the applicant from other sources, including both external and internal sources.

~~(4) A description of any previous requests for funds from other sources that would have been used to conduct a study similar to that proposed by the applicant under this grant program.~~

9200.9504 APPLICATION PROCESS.

Subpart 1. [See Repealer.]

Subp. 2. **Additional Applications.** The board may solicit ~~additional~~ applications ~~at a later date~~ for grants and may

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

establish a deadline for applications by notification in the State Register.

9200.9506 EVALUATION OF PROPOSALS.

Subpart 1. **Evaluation schedule.** Within 45 days of the completion of the eligibility and documentation review, the board shall evaluate eligible proposals and set a ~~date~~ deadline for action.

Subp. 2. **Evaluation factors.** In evaluating each proposal the board shall consider the following factors:

A. [Unchanged.]

B. The significance of the proposed waste reduction measured by:

(1) the decrease in total hazardous waste generated in Minnesota as a result of the waste reduction and the potential future decrease as a result of application of the waste reduction method by other generators; ~~or~~ and

(2) [Unchanged.]

C. [Unchanged.]

D. ~~Consideration by the board with respect to the following~~ Other factors including:

(1) to (4) [Unchanged.]

9200.9508 GRANT AGREEMENT.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Termination.** The board may terminate a grant upon 30 days' notice if it determines that the project is not feasible. A request for termination may be initiated by either the board or a grant recipient. If the board gives notice to terminate a grant, the board may also require that no additional grant funds be spent by the applicant effective as of the date of the termination notice. ~~The procedure for determining that a project is not feasible shall be specified in the grant agreement.~~

Subp. 4. to 6. [Unchanged.]

REPEALER. Minnesota Rules, parts 9200.9501, subpart 4; and

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

1 9200.9504, subpart 1 are repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD807

Agency: Waste Management Board

Division:

Agency Contact: Ken Stabler

Minnesota Rules: Parts 9200.9501 to 9200.9504; 9200.9506; and 9200.9508

Title: Proposed Rules Governing Hazardous Waste Reduction Grants

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Paul Marinac
Assistant Deputy Revisor
Phone: 296-0948

Date: June 28, 1985

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Amendments to Existing Minnesota Rules Parts 9200.9500-9508, Hazardous Waste Reduction Grants Rules

ORDER ADOPTING RULES

Notice of the Minnesota Waste Management Board's intent to adopt the above-entitled amendments to existing rules without a public hearing was published in the State Register on July 15, 1985, and was sent by United States mail to all persons on the list maintained by the Waste Management Board pursuant to Minn. Stat. § 14.14 (Supp. 1983) on July 15, 1985. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, after reviewing and considering the comments, and after determining the need for and reasonableness of the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED, that amendments to existing Minnesota Rules Parts 9200.9500-.9508, entitled "Hazardous Waste Reduction Grants Rules," are adopted pursuant to the authority vested in the Minnesota Waste Management Board by Minn. Stat. §115A.154 (1984).

Dated this 22 of August, 1985.

ROBERT G. DUNN
Chairperson

Alan W. FYF

Waste Management Board

Outside Opinion Sought Concerning Amendment of Rules Governing the Hazardous Waste Reduction Grants Program

Notice is hereby given that the Waste Management Board is seeking opinions and information from outside the agency for the purpose of amending adopted rules governing the hazardous waste reduction grants program (Minnesota Rules 9200.9500 to 9200.9508). The rules were published in the *State Register* at 9 S.R. 328 on Auust 13, 1984. The rules were adopted undur the authority of Minnesota Statutes § 115A.154 (1984).

Under Minnesota Statutes § 115A.154 (1984), the Waste Management Board is authorized to make grants to generators of hazardous waste in the State for studies to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste.

At this time, the Board is requesting opinions and comments on the rules currently in effect for the program and suggestions for amendments. Opinions and comments are specifically requested on the types and amount of information required by the grant application and the type of projects eligible under the current grant program. The Board wishes to assure that small businesses generating hazardous waste have a reasonable opportunity to qualify for and receive grants under this program and that the grant rules do not unnecessarily deter small businesses from pursuing and utilizing waste reduction grants. Therefore, comments are especially encouraged by small businesses which generate hazardous waste in Minnesota.

Any person desiring to submit information or comments on the existing rules or suggestions for amending the rules may do so in writing. All statements of information or comment must be received by June 21, 1985. Any material received by the date will become part of the rulemaking record. Written information or comment should be addressed to:

Ken Stabler
Waste Management Board
123 Thorson Community Center
7323 58th Avenue North
Crystal, Minnesota 55428
(612) 536-0816

Robert G. Dunn, Chairman
Waste Management Board

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Amendments to Existing Rules Governing Waste Reduction Grants, Minnesota Rules, Parts 9200.9500 to 9200.9508	))))	ORDER FOR PUBLICATION

IT IS ORDERED this 27 day of June, 1985, that a Notice of Intent to Adopt Amendments to Existing Rules Without a Public Hearing in the above-titled matter be given to all persons and associations who have registered their names with the Waste Management Board for that purpose and be published in the State Register.

STATE OF MINNESOTA

ROBERT G. DUNN
Chairperson
Waste Management Board

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Amendments to Existing Minnesota Rules Parts 9200. 9500.-9508, Hazardous Waste Reduction Grants Rules	CERTIFICATE OF BOARD AUTHORIZING RESOLUTION

I, Robert G. Dunn, do hereby certify that I am a member and the Chairperson of the Minnesota Waste Management Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Minnesota Waste Management Board duly and properly called and held on the 22nd day of August, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified.

RESOLVED, that the Minnesota Waste Management Board hereby approves and adopts the attached amendments to existing Minnesota Rules Parts 9200.9500-.9508, Hazardous Waste Reduction Grants Rules, pursuant to the authority vested in the Board by Minn. Stat. §115A.154 (1984).

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Chairperson is authorized to make any form changes in the rules that the Revisor of Statutes requires the Board to make in order to obtain the Revisor's Certificate of Approval as required by Minn. Stat. §14.07, subd. 2 (1984).

BE IT FURTHER RESOLVED, that the Board hereby adopts the attached Findings of Fact and Conclusions relating to the above-named rules and authorizes the Chairperson to execute the attached Findings of Fact and Conclusions on behalf of the Board.

BE IT FURTHER RESOLVED, that the Chairperson is hereby authorized to sign an order of the Board adopting the above-named rules, and to perform any acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 22 day of August, 1985.

ROBERT G. DUNN
Chairperson

Attest by one other Board member

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

RESOLUTION WMB-032-85

RESOLVED, that the Minnesota Waste Management Board hereby approves and adopts the attached amendments to existing Minnesota Rules Parts 9200.9500-.9508, Hazardous Waste Reduction Grants Rules, pursuant to the authority vested in the Board by Minn. Stat. §115A.154 (1984).

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Chairperson is authorized to make any form changes in the rules that the Revisor of Statutes requires the Board to make in order to obtain the Revisor's Certificate of Approval as required by Minn. Stat. §14.07, subd. 2. (1984).

BE IT FURTHER RESOLVED, that the Board hereby adopts the attached Findings of Fact and Conclusions relating to the above-named rules and authorizes the Chairperson to execute the attached Findings of Fact and Conclusions on behalf of the Board.

BE IT FURTHER RESOLVED, that the Chairperson is hereby authorized to sign an order of the Board adopting the above-named rules, and to perform any acts incidental thereto.

Dated: August 22, 1985

Robert G. Dunn
Chairperson

WASTE MANAGEMENT BOARD

Proposed Amendments to Existing Rules Governing the Hazardous Waste Reduction Grants Program

Notice of Intent to Adopt Amendments to Existing Rules without a Public Hearing

Notice is hereby given that the Minnesota Waste Management Board proposes to adopt the above-entitled amendments to existing rules without a public hearing. The Waste Management Board has determined that the proposed adoption of these amendments to existing rules will be non-controversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28 (1984).

Persons interested in these rules have 30 days to submit comments in support of or in opposition to the proposed amendments to existing rules. The Board encourages public comment. Each comment should identify the portion of the proposed amendment addressed by the comment, the reason for the comment, and any change that is proposed. The proposed amendments to existing rules may be modified if the modifications are supported by the data and views submitted to the Waste Management Board and do not result in a substantial change in the proposed language.

If twenty-five (25) or more persons submit written requests for a public hearing on the proposed amendments to existing rules within the 30-day comment period, a public hearing will be held. Persons requesting a public hearing are encouraged to state his or her name and address, and identify the reasons for their request, the portion of the proposed amendment that the hearing should address, and any changes proposed. In the event a public hearing is required, the Waste Management Board will proceed according to the provisions of Minn. Stat. §§ 14.08-14.28 (1984).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Waste Management Board
Ken Stabler
123 Thorson Building
7323 - 58th Avenue North
Crystal, MN 55428
(612) 536-0816

Authority to adopt these rules is contained in Minn. Stat. §§ 115A.06, subd. 2 and 115A.154 (1984). The Board is authorized by Minn. Stat. §115A.154 to make grants to generators of hazardous waste in the state. The grants are intended to fund studies to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste. The amendments to existing rules proposed for adoption relate to the following matters: (1) the type of projects eligible under the grant program; and (2) the types and amount of information required on the grant application.

A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed amendments to existing rules has been prepared and is available from Mr. Ken Stabler upon request.

If a hearing is not required, and upon adoption of the final amendments to existing rules without a public hearing, the proposed amendments to existing rules, this notice, the statement of need and reasonableness, all written comments received, and the final amendments to the existing rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments to existing rules as adopted, should submit a written statement of such request to Mr. Ken Stabler.

Robert G. Dunn, Chairman
Waste Management Board

RGD:js

given by publication in the State Register and by United States mail to persons who have registered their names with the agency pursuant to section 14.14, subdivision 1a. The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency. The notice in the State Register shall include the proposed rule or the amended rule in the form required by the revisor under section 14.07, and a citation to the most specific statutory authority for the proposed rule. When an entire rule is proposed to be repealed, the notice need only state that fact, giving the citation to the rule to be repealed in the notice. The notice shall include a statement advising the public:

(1) that they have 30 days in which to submit comment in support of or in opposition to the proposed rule and that comment is encouraged;

(2) that each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed;

(3) that if 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held;

(4) of the manner in which persons shall request a public hearing on the proposed rule;

(5) that any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed;

(6) that the proposed rule may be modified if the modifications are supported by the data and views submitted; and

(7) that if a hearing is not required, notice of the date of submission of the proposed rule to the attorney general for review will be mailed to any person requesting to receive the notice.

History: *1957 c 806 s 2; 1974 c 344 s 1-3; 1975 c 380 s 2; 1975 c 413 s 1; 1976 c 138 s 1; 1977 c 443 s 2; 1980 c 615 s 3-7,9-11,39-50; 1981 c 253 s 5-19; 1981 c 357 s 25; 1Sp1981 c 4 art 2 s 1; 1982 c 424 s 130; 1983 c 210 s 12; 1984 c 640 s 12*

14.23 STATEMENT OF NEED AND REASONABLENESS.

Before the date of the section 14.22 notice, the agency shall prepare a statement of need and reasonableness which shall be available to the public. For at least 30 days following the notice, the agency shall afford all interested persons an opportunity to request a public hearing and to submit data and views on the proposed rule in writing.

History: *1957 c 806 s 2; 1974 c 344 s 1-3; 1975 c 380 s 2; 1975 c 413 s 1; 1976 c 138 s 1; 1977 c 443 s 2; 1980 c 615 s 3-7,9-11,39-50; 1981 c 253 s 5-19; 1981 c 357 s 25; 1Sp1981 c 4 art 2 s 1; 1982 c 424 s 130; 1984 c 640 s 13*

14.24 MODIFICATIONS OF PROPOSED RULE.

The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

History: *1957 c 806 s 2; 1974 c 344 s 1-3; 1975 c 380 s 2; 1975 c 413 s 1; 1976 c 138 s 1; 1977 c 443 s 2; 1980 c 615 s 3-7,9-11,39-50; 1981 c 253 s 5-19; 1981 c 357 s 25; 1Sp1981 c 4 art 2 s 1; 1982 c 424 s 130*

14.18 PUBLICATION OF ADOPTED RULE; EFFECTIVE DATE.

A rule is effective after it has been subjected to all requirements described in sections 14.13 to 14.20 and five working days after the notice of adoption is published in the State Register unless a later date is required by law or specified in the rule. If the rule adopted is the same as the proposed rule, publication may be made by publishing notice in the State Register that the rule has been adopted as proposed and by citing the prior publication. If the rule adopted differs from the proposed rule, the portions of the adopted rule which differ from the proposed rule shall be included in the notice of adoption together with a citation to the prior State Register publication of the remainder of the proposed rule. The nature of the modifications must be clear to a reasonable person when the notice of adoption is considered together with the State Register publication of the proposed rule, except that modifications may also be made which comply with the form requirements of section 14.07, subdivision 7.

History: *1957 c 806 s 2; 1974 c 344 s 1-3; 1975 c 380 s 2; 1975 c 413 s 1; 1976 c 138 s 1; 1977 c 443 s 2; 1980 c 615 s 3-7,9-11,39-50; 1981 c 253 s 5-19; 1981 c 357 s 25; 1Sp1981 c 4 art 2 s 1; 1982 c 424 s 130; 1983 c 210 s 9*

14.19 DEADLINE TO COMPLETE RULEMAKING.

The agency shall, within 180 days after issuance of the administrative law judge's report, submit its notice of adoption, amendment, suspension, or repeal to the State Register for publication. If the agency has not submitted its notice to the State Register within 180 days, the rule is automatically withdrawn. The agency shall not adopt the withdrawn rules without again following the procedures of sections 14.05 to 14.36. It shall report to the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor its failure to adopt rules and the reasons for that failure. The 180-day time limit of this section does not include any days used for review by the chief administrative law judge, the attorney general, or the legislative commission to review administrative rules if the review is required by law.

History: *1957 c 806 s 2; 1974 c 344 s 1-3; 1975 c 380 s 2; 1975 c 413 s 1; 1976 c 138 s 1; 1977 c 443 s 2; 1980 c 615 s 3-7,9-11,39-50; 1981 c 253 s 5-19; 1981 c 357 s 25; 1Sp1981 c 4 art 2 s 1; 1982 c 424 s 130; 1983 c 210 s 10; 1984 c 640 s 32*

14.20 APPROVAL OF FORM.

No rule shall be filed with the secretary of state or published in the state register unless the revisor of statutes has certified that the rule's form is approved.

History: *1957 c 806 s 2; 1974 c 344 s 1-3; 1975 c 380 s 2; 1975 c 413 s 1; 1976 c 138 s 1; 1977 c 443 s 2; 1980 c 615 s 3-7,9-11,39-50; 1981 c 253 s 5-19; 1981 c 357 s 25; 1Sp1981 c 4 art 2 s 1; 1982 c 424 s 130*

RULEMAKING; PROCEDURE APPLICABLE TO NONCONTROVERSIAL RULES

14.21 [Repealed, 1984 c 640 s 33]

14.22 NOTICE OF PROPOSED ADOPTION OF RULES.

Unless an agency proceeds directly to a public hearing on a proposed rule and gives the notice prescribed in section 14.14, subdivision 1a, the agency shall give notice of its intention to adopt a rule without public hearing. The notice shall be

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

AFFIDAVIT OF MAILING

Kenneth E. Stahla, being first duly sworn deposes

That on the 15th day of July, 1985, at the City of Crystal, County of Hennepin, State of Minnesota, he mailed the attached material to those persons on the attached mailing list by deposition in the United States mail at said City of Crystal, a copy, thereof, properly enveloped, with postage prepaid:

Kenneth E. Stahla

Subsribed and sworn to before
me this 9th day of August, 19 85.

JUNE J. SLERY
NOTARY PUBLIC — MINNESOTA
HENNEPIN COUNTY
My commission expires Nov 23, 1990

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed)
Adoption of Amendments to Existing) CERTIFICATE
Rules Governing Waste Reduction Grants)

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. § 14.14, that their names be placed on file with and maintained by the Waste Management Board for the purpose of receiving notice of the proposed adoption of rules by this Board is accurate and complete as of 9:00 A.M., this 15TH day of July, 1985

Kenneth E. Stahler

including parts 7035.1100 to 7035.1115, this finding constitutes justification for the agency to revoke, or revoke and reissue a certificate of need.

7035.1115 NONCOMPLIANCE.

Subpart 1. Notification. If a county or district has been notified as specified in part 7035.1102 of the required completion date of the solid waste management plan according to part 7035.1101, subpart 2, and the director determines a county or district has not initiated the planning process, the director shall issue a letter notifying the board of the director's intent to pursue the agency action as specified in subpart 2. The county or district shall respond to the notice within 30 days, stating the reasons why the planning process has not been initiated.

Subp. 2. Compliance order. If the board fails to respond to the notice in subpart 1 or initiate the planning process, the agency may issue an order for compliance with parts 7035.1100 to 7035.1114. Issuance of a compliance order does not preclude the agency from taking other actions prescribed by law.

Waste Management Board

Proposed Rules Governing Hazardous Waste Reduction Grants

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Waste Management Board proposes to adopt the above-entitled amendments to existing rules without a public hearing. The Waste Management Board has determined that the proposed adoption of these amendments to existing rules will be non-controversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28 (1984).

Persons interested in these rules have 30 days to submit comments in support of or in opposition to the proposed amendments to existing rules. The Board encourages public comment. Each comment should identify the portion of the proposed amendment addressed by the comment, the reason for the comment, and any change that is proposed. The proposed amendments to existing rules may be modified if the modifications are supported by the data and views submitted to the Waste Management Board and do not result in a substantial change in the proposed language.

If twenty-five (25) or more persons submit written requests for a public hearing on the proposed amendments to existing rules within the 30-day comment period, a public hearing will be held. Persons requesting a public hearing are encouraged to state his or her name and address, and identify the reasons for their request, the portion of the proposed amendment that the hearing should address, and any changes proposed. In the event a public hearing is required, the Waste Management Board will proceed according to the provisions of Minn. Stat. §§ 14.08-14.28 (1984).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Waste Management Board
Ken Stabler
123 Thorson Building
7323-58th Avenue North
Crystal, MN 55428
(612) 536-0816

Authority to adopt these rules is contained in Minn. Stat. §§ 115A.06, subd. 2 and 115A.154 (1984). The Board is authorized by Minn. Stat. § 115A.154 to make grants to generators of hazardous waste in the state. The grants are intended to fund studies to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste. The amendments to existing rules proposed for adoption relate to the following matters: (1) the type of projects eligible under the grant program; and (2) the types and amount of information required on the grant application.

A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed amendments to existing rules has been prepared and is available from Mr. Ken Stabler upon request.

If a hearing is not required, and upon adoption of the final amendments to existing rules without a public hearing, the proposed amendments to existing rules, this notice, the statement of need and reasonableness, all written comments received, and the final amendments to the existing rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments to existing rules as adopted, should submit a written statement of such request to Mr. Ken Stabler.

Robert G. Dunn, Chairman
Waste Management Board

Rules as Proposed

9200.9501 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 1a. Abatement. "Abatement" means the inclusion or substitution of a new element in the existing industrial process in order to eliminate or reduce the quantity of waste produced.

Subp. 2. and 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. to 8. [Unchanged.]

Subp. 8a. Minimization. "Minimization" means a decrease in the quantity of waste through good housekeeping practices or by the application of concentration technology.

Subp. 9. and 10. [Unchanged.]

Subp. 10a. Recycling. "Recycling" means the reclamation by the generator of usable components from waste streams.

Subp. 11. Reduction. "Reduction" means action by a generator that:

A. decreases the total quantity of hazardous waste generated by the generator through abatement, minimization, reuse, or recycling; or

B. [Unchanged.]

Subp.. 12. Reuse. "Reuse" means the reutilization of a waste by the generator either as generated or with very minor modification prior to the reutilization.

9200.9502 ELIGIBILITY CRITERIA.

Subpart 1. [Unchanged.]

Subp. 2. Eligible projects. ~~Only~~ Projects designed to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste are eligible to receive a hazardous waste reduction grant. Eligible projects include projects to study the specific application of a method or technology already developed and projects to analyze a method or technology for which additional research is necessary to establish the feasibility of the method or technology ~~are eligible~~. ~~Examples of possible methods and technologies which may be studied include process modification and material substitution.~~

Application or research projects currently under development by the applicant and new projects are eligible.

Subp. 3. and 4. [Unchanged.]

9200.9503 GRANT APPLICATION.

An applicant shall submit an application in the form specified by the board. An application must include the following information:

A. [Unchanged.]

B. A statement outlining the method or technology that will be studied by the applicant and the waste reduction that may result from application of the method or technology. This statement must include a discussion of the following items:

(1) a description of the method or technology to be studied;

(2) whether the study involves the application of an existing method or technology, or original or continuing research on a method or technology for which additional research is necessary to determine the feasibility of the method or technology;

(3) ~~the applicability of the method or technology to generators of similar wastes;~~

~~(4)~~ a description of the hazardous waste affected by the proposed project that is generated by the applicant, including the quantity generated in the previous calendar year ~~1983 and the quantities generated during each of the calendar years from 1980 through 1982, if available and applicable~~;

~~(5)~~ (4) an estimate of the decrease in the quantity of hazardous waste generated and any decrease in risk that results from the application of the method or technology to be studied;

KEY: **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

~~(6) a projection of the quantity of hazardous waste generated in calendar years 1984 through 2000 with and without the application of the method or technology being studied;~~

~~(7) the importance to the applicant of achieving the estimated reduction, such as a discussion of liability, treatment, management, disposal, and transportation costs;~~

~~(8) the relationship of the hazardous waste reduction estimated by the applicant to the hazardous waste reduction goals of the Waste Management Board as stated in the board's Hazardous Waste Management Report of December 1983 and the Draft Certificate of Need of February 1984, particularly the goal of minimizing the quantity of hazardous wastes that are difficult to manage or can be managed only through final disposal;~~

~~(9)~~ (5) the current method used to manage the hazardous waste generated by the applicant, and any anticipated change in management occurring after the reduction; and

~~(10)~~ (6) estimated increased or decreased annual operating and maintenance costs that will be realized if the proposed method or technology is implemented.

C. A statement of financial feasibility for the project must be included with the application, and must include a discussion of the following items:

(1) ~~A statement explaining the need for the grant amount requested.~~

~~(2)~~ the amount of grant funds requested~~.~~; and

~~(3)~~ (2) an estimate of the total amount of funds needed to complete the study. This section should include a discussion of any financial support that might be available to the applicant from other sources, including both external and internal sources.

~~(4) A description of any previous requests for funds from other sources that would have been used to conduct a study similar to that proposed by the applicant under this grant program.~~

9200.9504 APPLICATION PROCESS.

Subpart 1. [See Repealer.]

Subp. 2. Additional Applications. The board may solicit ~~additional~~ applications ~~at a later date~~ for grants and may establish a deadline for applications by notification in the *State Register*.

9200.9506 EVALUATION OF PROPOSALS.

Subpart 1. Evaluation schedule. Within 45 days of the completion of the eligibility and documentation review, the board shall evaluate eligible proposals and set a ~~date~~ deadline for action.

Subp. 2. Evaluation factors. In evaluating each proposal the board shall consider the following factors:

A. [Unchanged.]

B. The significance of the proposed waste reduction measured by:

(1) the decrease in total hazardous waste generated in Minnesota as a result of the waste reduction and the potential future decrease as a result of application of the waste reduction method by other generators; ~~or~~ and

(2) [Unchanged.]

C. [Unchanged.]

D. ~~Consideration by the board with respect to the following~~ Other factors including:

(1) to (4) [Unchanged.]

9200.9508 GRANT AGREEMENT.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Termination. The board may terminate a grant upon 30 days' notice if it determines that the project is not feasible. A request for termination may be initiated by either the board or a grant recipient. If the board gives notice to terminate a grant, the board may also require that no additional grant funds be spent by the applicant effective as of the date of the termination notice. ~~The procedure for determining that a project is not feasible shall be specified in the grant agreement.~~

Subp. 4. to 6. [Unchanged.]

REPEALER. Minnesota Rules, parts 9200.9501, subpart 4; and 9200.9504, subpart 1 are repealed.

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Amendments to Existing Minnesota Rules Parts 9200.9500-.9508, Hazardous Waste Reduction Grants Rules	FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for decision before the Minnesota Waste Management Board on the 22nd day of August 1985, after publication and notice of the proposed rules was provided as required by Minnesota Statutes, Sections 14.22 to 14.28. After affording all interested persons an opportunity to submit written comment on the proposed rules for 30 days following the publication date and having considered all of the evidence adduced upon the records, files and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. On June 27, 1985, the Order for Publication authorizing publication of the proposed rules was executed by the Chairperson of the Board under authority of Waste Management Board Resolution WMB-020-85 (June 27, 1985).

2. On July 12, 1985, the Statement of Need and Reasonableness for the proposed rules was completed, placed on file and made available for public inspection.

3. On July 15, 1985, the Notice of Intent to Adopt Rules without a Public Hearing was mailed to all persons and associations who had requested that their names be placed on file with the Board for the purpose of receiving notice of the proposed adoption of rules by the agency.

4. On July 15, 1985, the Notice of Intent to Adopt Rules without a Public Hearing and the Proposed Amendments to Existing Rules were published at 10 State Register 106 to 108.

5. The notice of the Board's intent to adopt the rules afforded all interested persons 30 days to submit data and views on the proposed rules. The notice was in all respects in compliance with the requirements of Minn. Stat. Section 14.22 (1984).

6. The public comment period of 30 days after publication of the proposed rules expired August 14, 1985.

7. No written comments were received within the 30-day comment period.

8. The Board adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for these rules. The Board hereby incorporates the Statement of Need and Reasonableness into these findings.

CONCLUSIONS

A. The Board has duly acquired and has jurisdiction over this matter.

B. The Board has statutory authority to adopt the proposed rules.

C. The Board has published and served due, timely and adequate notice of its intent to adopt the above-captioned rules without a public hearing.

D. The Board has complied with all relevant substantive and procedural requirements of Minnesota statutes and rules.

Dated: August 22, 1985

Minnesota Waste Management Board

Robert G. Dunn
Chairperson

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed
Adoption of Amendments to Existing
Rules Governing
Waste Reduction Grants, Minn.
Rules, Parts 9200.9500 to 9200.9508.

CERTIFICATE OF
BOARD'S RESOLUTION

I, Robert G. Dunn, do hereby certify that I am a member and the Chairperson of the Waste Management Board, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Waste Management Board duly and properly called and held on the 27th day of June, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

RESOLVED, that the Waste Management Board determines that the adoption of the proposed amendments to existing rules governing Waste Reduction Grants will not be controversial in nature and that the Chairperson of the Board is authorized and directed to sign an order in the name of the Board directing the publication and mailing of notice of the Board's intent to adopt amendments to existing Rules Governing Waste Reduction Grants without public hearing. The Chairperson may perform any and all acts incidental to issuing the order and may make changes in the form of the proposed rules prior to giving notice to the extent required to obtain the approval of the Revisor of Statutes under Minn. Stat. § 14.28. In the event a public hearing on these rules is required, the chairperson is authorized and directed to call a public hearing for this purpose and to perform all acts necessary and incidental to calling the hearing, including signing an order for and notice of public hearing and acting as the representative of the Board at the hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this 27th day of June, 1985.

ROBERT G. DUNN
Chairman, Waste Management Board

Attest by one other Board member

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

RESOLUTION WMB-020-85

RESOLVED, that the Waste Management Board determines that the adoption of the proposed amendments to existing rules governing Waste Reduction Grants will not be controversial in nature and that the Chairperson of the Board is authorized and directed to sign an order in the name of the Board directing the publication and mailing of notice of the Board's intent to adopt amendments to existing Rules Governing Waste Reduction Grants without public hearing. The Chairperson may perform any and all acts incidental to issuing the order and may make changes in the form of the proposed rules prior to giving notice to the extent required to obtain the approval of the Revisor of Statutes under Minn. Stat. § 14.28. In the event a public hearing on these rules is required, the chairperson is authorized and directed to call a public hearing for this purpose and to perform all acts necessary and incidental to calling the hearing, including signing an order for and notice of public hearing and acting as the representative of the Board at the hearing.

Dated: June 27, 1985

ROBERT G. DUNN
Chairperson

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Amendments to Existing Rules Governing the Hazardous Waste Reduction Grants Program

State of Need and Reasonableness

I. INTRODUCTION

The subject of this rulemaking procedure is proposed amendments to an existing set of rules governing the hazardous waste reduction grants program. The Waste Management Board (Board) is authorized to adopt rules for awarding grants under this program by Minnesota Statutes, sections 115A.06, subdivision 2 and 115A.154 (1984).

The existing rules contain guidelines for applicants who wish to apply for hazardous waste reduction grants. Items covered by the rules also include eligibility criteria, procedures and criteria to evaluate grant applications, and provisions related to the award of a grant. The amendments to existing rules proposed for adoption relate to the following matters: (1) the type of projects eligible under the grant program; and (2) the types and amount of information required on the grant application.

II. NEED FOR THE PROPOSED AMENDMENTS TO EXISTING RULES

The Waste Management Board is directed by Minnesota Statutes, section 115A.154, subdivision 1, to make grants to generators of hazardous waste for studies to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste.

The Board has gained valuable experience in the administration of hazardous waste reduction grants during the first year of the program. Seven grant applications

were received by the Board; six of the applicants were awarded waste reduction grants. In addition, a survey questionnaire was distributed to companies which had requested a copy of the application form, but did not apply for a grant. Information on the reasons these companies decided not to apply and program changes which might increase the number of applications was obtained through the survey.

The amendments to the existing rules proposed for adoption are needed to broaden the criteria for establishing project eligibility, and to reduce the amount of information required on an application. Adoption of the proposed amendments would reduce the burden on generators, particularly small businesses, in preparing grant applications, and would be likely to increase participation in the program.

III. REASONABLENESS OF THE PROPOSED AMENDMENTS TO EXISTING RULES

9200.9500 Scope and Authority

This part is unchanged.

9200.9501 Definitions

The changes in terms used in Part 9200.9501 affect only the definition of "reduction." Waste "reduction" has been revised to include the "abatement, minimization, reuse or recycling" of hazardous waste which causes a decrease in the total quantity of hazardous waste generated by the generator.

Under the revised definition of "reduction," actions which could be undertaken by a generator include changes in manufacturing or production processes as well as in-plant actions to decrease the quantity of waste shipped off-site for treatment or disposal. This broadened definition of "reduction" will expand the scope of projects eligible under the program, thereby assisting the Board in

meeting one of its primary policy objectives, which is reducing the amount of hazardous waste generated in Minnesota.

9200.9502 Eligibility Criteria

The changes in this part are to simplify the language regarding eligible projects by changing sentence structure and deleting examples.

9200.9503 Grant Application

This part identifies the types of information that must be provided by the applicant. Part 9200.9503A. remains unchanged.

Part 9200.9503B. has been revised substantially by deleting portions of this part. Based on the Board's experience with grant applications received, a number of the requirements included in the existing rules are not necessary to review and evaluate grant applications.

The applicability of the method or technology to other generators of similar wastes can better be addressed by the Board than by grant applicants. Since generators are not aware of the total amount of hazardous waste generated in the state and the types of industries which generate the most waste, the responses to this requirement in the first round of grant applications were not useful.

Only current year data on waste generation are needed to estimate potential waste reduction. Historic data on waste reduction are often not available; projections of waste generation in the future are difficult to calculate. As a result, the only waste generation information needed to evaluate a grant application is the quantity generated in the previous calendar year.

Based on the responses received in the first round of grant applications, the requirement that the applicant discuss the importance of achieving waste reduction is

unnecessary. The responses which were provided were generally self-evident. Applicants provided no information which was useful in evaluating applications; therefore, the requirement is unnecessary.

The relationship between the applicant's expected waste reduction and the Board's policies and plans as reflected in the Board's Hazardous Waste Management Report and Draft Certificate of Need is an issue that can best be addressed by the Board in its evaluation of the grant applications. Therefore, it is not necessary to require grant applicants to comment on this issue.

Part 9200.9503C. is revised by deleting two elements of the existing rules. The requirements that an applicant include a statement explaining the need for the grant and a description of previous requests for funds from other sources are both considered unnecessary.

The need for state assistance is apparent due to the high risk (i.e. uncertain results) associated with the types of studies funded under the grants program. Information on previous requests for funds from other sources is not considered to be necessary information to evaluate a grant application.

9200.9504 Application Process

This part delete the requirement that an applicant submit a Letter of Intent prior to submission of a full application. This provision was included in the existing rules to provide the Board with some indication of the number of applications that may be submitted. Since the Letter of Intent was not mandatory, and in light of the Board's experience with the program, the Letter of Intent is not considered necessary.

The application process has been revised to provide greater flexibility with

respect to the application deadline and additional funding rounds, in order to better accomodate the needs of generators in preparing a grant application.

9200.9505 Initial Application Review

This part is unchanged.

9200.9506 Evaluation of Proposals

The primary change in this part is to correct language in the existing rules. In evaluating proposals, the Board considers both the reduction in the quantity of waste generated and the reduction in risk to the public health and safety and the environment. The language change is needed to reflect the evaluation process as it is conducted.

9200.9507 Award of Grants

This part is unchanged.

9200.9508 Grant Agreement

The change in this part deletes unnecessary language. The issue of project feasibility is considered under Part 9200.9506, Evaluation of Proposals.

IV. EFFECT OF PROPOSED AMENDMENTS TO EXISTING RULES ON SMALL BUSINESS

Participation in the Hazardous Waste Reduction Grants Program is open to all businesses which meet the eligibility requirements of the rules. This would include companies considered "small businesses" under Minnesota Statutes, section 14.115.

Since participation is strictly voluntary, the proposed amendments to the existing rules do not directly affect small business and therefore do not require the Board to address the requirements of Minnesota Statutes, section 14.115. The rules do not impose any requirements or standards on the operation

of small businesses.

The proposed amendments are designed to encourage voluntary participation in the program by small businesses by broadening the types of projects eligible for a grant and by reducing the amount of information required in a grant application. These proposed changes are being made in response to concerns raised by interested parties, including small businesses, with respect to the existing program. By adopting the proposed amendments, the Board wishes to assure that small businesses which generate hazardous waste have a reasonable opportunity to qualify for and receive grants under this program, and that the grant rules do not unnecessarily deter small businesses from pursuing and utilizing hazardous waste reduction grants.

V. CONCLUSION

Based on the foregoing, the proposed amendments to existing rules are both needed and reasonable.

In the Matter of the
Proposed Adoption of
Amendments to Existing
Minnesota Rules Parts
9200.9500-.9508, Hazardous
Waste Reduction Grants Rules

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Alan C. Williams, Special Assistant Attorney General, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedures Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed.

Alan C. Williams

ALAN C. WILLIAMS
SPECIAL ASSISTANT ATTORNEY GENERAL

Dated: Aug 29, 1985

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Amendments to Existing Rules to Evaluate Applicants for Hazardous Waste Reduction Grants

AFFIDAVIT REGARDING NOTIFICATION OF SUBMISSION TO ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Kenneth E. Stabler, being duly sworn on oath, deposes and says:

1. That he is the person named in Notice of Intent to Adopt Proposed Amendments to Existing Rules Without a Public Hearing as published in the State Register (10 S.R. 106, July 15, 1985) and as mailed to interested persons on July 15, 1985, as the person to receive requests for notification on the date the Board submits the above-entitled rules to the Attorney General for review.

2. That no person requested to be notified of the date that the Board submits the rules to the Attorney General for review.

Kenneth E. Stabler

Subscribed and Sworn to before me this 23rd day of August, 1985.

JUNE J. SEERY
NOTARY PUBLIC — MINNESOTA
HENNEPIN COUNTY
My commission expires Nov. 28, 1990

June J. Seery

Notary Public